

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JEFFERSON HAMILTON,

Plaintiff,

v.

TIGARD POLICE DEPARTMENT,

Defendant.

Case No.: 3:24-cv-00895-AR

ORDER

**Adrienne Nelson, District Judge**

United States Magistrate Judge Jeff Armistead issued Findings and Recommendation in this case, ECF [12], on February 7, 2025. Judge Armistead recommended that this Court dismiss all claims against defendant with prejudice, and otherwise dismiss plaintiff's claims with leave to amend. Judge Armistead's Findings and Recommendation was mailed to plaintiff, who is self-represented, and was returned as undeliverable. ECF [14]. This Court thus directed plaintiff to file a notice of address change by March 14, 2025. Order of March 7, 2025, ECF [15]. The Court's mailings to plaintiff have been returned as undeliverable since June 17, 2024. *See* ECF [4]. No party has filed objections to Judge Armistead's Findings and Recommendation.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* No standard of review is prescribed for portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be


reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Under Local Rule 83-10(a), "every self-represented party[] has a continuing responsibility to notify the Clerk's Office whenever [their] mailing address, telephone number, and/or e-mail address changes." "When the Court sends mail to the last known address of an . . . unrepresented party, and the postal service returns the mail as undeliverable because the [] party has failed to notify the Clerk of a changed address, and the failure to notify the Clerk of the change of an address continues for [sixty] days, then the Court may strike appropriate pleadings, enter a default, or dismiss the action." Local R. 83-12.

Because no party in this case has made objections, this Court reviews Judge Armistead's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge Armistead's Findings and Recommendation, ECF [12]. All claims against defendant are DISMISSED with prejudice. Plaintiff's claims are otherwise DISMISSED with leave to amend. Dismissal is likewise appropriate under Local Rule 83-12. Any amended complaint must be filed within thirty (30) days of this order.

IT IS SO ORDERED.

DATED this 24th day of March, 2025.

  
Adrienne Nelson  
United States District Judge